

Chief, BR/OCD

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Thru: Acting Chief, Regional Branch, BR/OCD

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Suggested Establishment of a Legal Register within OCD.

1. The establishment of a Legal Register for maintenance of files on foreign law and for servicing of requests on foreign law is respectfully suggested for the following reasons:

- a. The need for a centralized clearing house within the Agency in which the considerable volume of CIA documents and documents received from other IAC agencies which contain legal material can be collated and reviewed.
- b. The ever-growing demand for legal interpretations of treaties, nationalization laws, Constitutional changes, internal security laws, administrative orders, etc. of countries throughout the world.
- c. The importance of maintaining a central point within CIA in which reports can be written by legally trained personnel on various aspects of foreign law as requirements for such information arise in various offices, both overt and covert, within the Agency.
- d. The increasing interest evinced by the Soviet Union and its satellites in the subject of foreign law.

2. Increasing Interest of USSR in Foreign Law.

According to a recent article in the American Journal of International Law, the Soviet Government and the All-Union Communist Party attach a great importance to a proper training of lawyers in foreign law. The Central Committee of the All-Union Communist Party issued on 5 October 1946 instructions concerning the improvement of legal studies. Two professors of the Moscow School of Law, the best in the USSR, M.V. Kozhevnikov and I.D. Martyshevich, discussed the execution of the party instructions by their own school in an article entitled "Some Questions of University Legal Training" in Sovetskoe Gosudarstvo i Pravo published in Moscow in January 1951. From this article it is clearly evident that due to the express recommendation of the Central Committee, the utmost attention is being paid to foreign and international law research and study.

Dr. Ivan S. Kerno of Czechoslovakia, Assistant Secretary General in charge of the Legal Department of the United Nations writes that "perhaps the need is nowhere of greater importance

than in the understanding of the different legal systems (of the world) and the fundamental Constitutional principles of Government."

3. Incoming documents as a source of legal material.

The following examples of documents received at one desk within BR during the course of a week show the increasing amount of legal material passing through OCD which needs to be exploited:

- a. A State Department dispatch from Vienna (D-143, Vienna, 26 June, 1951, Secret) discussed the question of the legality of the establishment of the headquarters of the World Federation of Trade Unions in Vienna. The Austrian law on associations is discussed and court decisions under it are interpreted. The document is entitled "WFTU, World Federation of Trade Unions in Vienna" and no reference in the title is made to the legal material contained therein.
- b. Accounts of the William Oatis trial in Prague and aspects of the Czechoslovakian espionage laws are discussed in various State Department dispatches from Prague.
- c. Accounts of the trial of Archbishop Grosz and discussion of the espionage laws of Hungary are contained in various State Department dispatches from Budapest.

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4. Importance of material on Foreign Law, especially Soviet Law.

The following quotations from two of the foremost experts in the United States on Soviet Law are cited not only to show the value of material on Soviet law, but also to point up the value of material on all foreign law.

- a. "A legal approach to life in Soviet Russia is no less needed than the economic, political, or sociological. The gap is felt not only by lawyers when legal information is required. An analysis of Soviet legislation, court decisions, and legal writings concerning marriage, the family life, and business of a Soviet citizen, may help to delineate the characteristic features of the Soviet regime that are of interest for any student of Russia." (Preface to Volume I, Vladimir Gsovski, Soviet Civil Law.)

b. "To understand Soviet aims and methods abroad we are compelled also to concern ourselves with Soviet aims and methods at home. We must be in a position to evaluate the strength and weakness of the Soviet system, and the beliefs and values on which it is founded. Here law occupies a position of crucial significance, for a legal system expresses in a most vivid and real way what a society stands for. It represents both what is preached and what is practiced. It tells what is officially and publicly considered to be right, and what is officially and publicly done when things go wrong. Of course, what is officially and publicly considered and done may conflict with what is unofficially and secretly considered and done. It is surprising, however, how much we can learn from Soviet Codes and statutes and reports of cases, as well as from the extensive commentaries and criticisms in Soviet legal periodicals and treatises, about how the system actually works. From a purely political viewpoint, then, the study of Soviet law has become a matter of urgent practical importance.

5. Conclusion

The last fifteen years have been a period of unparalleled development in the law, not only in Europe, but in the whole world. The study of the rapid changing laws of foreign countries and the interpretation of their significance by qualified legal personnel would seem to be of greatest importance in intelligence operations. The Office of Collection and Dissemination as a service organization would appear to be the office best qualified to furnish foreign law research service to other offices within the Agency.

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